## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS DIVISION

MICHAEL FITZGERALD,	)	
WORLD WISDOM, INC.,	)	
	)	
Plaintiffs,	)	
	)	
V.	) No. 1:21-cv-01822-TWP-TA	۱B
	)	
MAUDE MURRAY,	)	
BEACON BOOKS AND MEDIA, LTD,	)	
	)	
Defendants.	)	

## REPORT AND RECOMMENDATION ON PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT

Plaintiffs Michael Fitzgerald and World Wisdom, Inc. have filed a motion requesting that the Clerk of the Court enter default against Beacon Books and Media Ltd. [Filing No. 11.] For the reasons set forth below, Plaintiffs' motion should be granted.

Plaintiffs filed their complaint on June 18, 2021, seeking money damages and declaratory relief from Beacon Books and co-defendant, Maude Murray. Plaintiffs' motion for entry of default sets forth in detail the steps Plaintiffs took to effect service on Beacon Books, a private limited company located in Sale, England. Plaintiffs' motion establishes that Plaintiffs properly served Beacon Books by certified mail and by personal service. Beacon Books failed to answer or otherwise properly respond to the complaint within 21 days of service.

On July 24, 2021, Beacon Books filed what purported to be a motion to dismiss. [Filing No. 8.] On August 8, 2021, the Court granted Plaintiffs' motion to strike this purported motion to dismiss because it was improperly filed by a corporation unrepresented by legal counsel. [Filing No. 15.]

Accordingly, Beacon Books failed to respond to Plaintiffs' complaint. Therefore, pursuant to Fed. R. Civ. P. 55(a), the Clerk should enter default against Defendant Beacon Books. Any objection to the magistrate judge's Report and Recommendation shall be filed with the Clerk in accordance with 28 U.S.C. § 636(b)(1). Failure to file timely objections within 14 days shall constitute waiver of subsequent review absent a showing of good cause for such failure.

Date: 9/14/2021

Tim A. Baker

United States Magistrate Judge Southern District of Indiana

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## Distribution:

All ECF-registered counsel of record via email

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